



Congress of the United States
House of Representatives

May 2, 2019

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The Honorable Daniel K. Elwell
Acting Administrator
Federal Aviation Administration
800 Independence Ave SW
Washington, DC 20591

Re: Hot Air Balloon Safety: Prompt Action Needed

Dear Administrator Elwell:

I write regarding my strong ongoing concern for the safety of balloon passengers. I find it hard to believe that the Federal Aviation Administration (FAA) appears to have taken no action to implement Section 318 of the FAA Reauthorization, which was signed into law on October 5, 2018. FAA's continued inaction puts innocent lives at risk with each commercial hot air balloon flight.

On July 30, 2016, a commercial balloon crash in my district tragically killed 15 passengers, becoming the largest balloon crash in our history and the Nation's worst aviation disaster since 2009. In the days that followed, as people gathered around the Caldwell County Courthouse to mourn, it became clear just how preventable this tragedy was.

Following a 2013 crash in Egypt that killed 19, then-National Transportation Safety Board (NTSB) Chairman Deborah Hersman urged the FAA administrator to act, writing, "The potential for a high number of fatalities in a single air tour balloon accident is of particular concern if air tour balloon operators continue to conduct operations under less stringent regulations and oversight. Based on the number of recurring accidents in the United States involving similar safety issues, the NTSB believes that air tour balloon operators should be subject to greater regulatory oversight."

In 2014, NTSB again formally recommended that commercial balloon operators obtain a class two medical certificate following a balloon crash in Pennsylvania. Yet, the FAA still did not act. And on the morning of July 30, 2016, Skip Nichols took off with 15 passengers despite taking several medications that would have left any other airman grounded.

I trust that you are familiar with my previous request for related FAA action. And as you are undoubtedly aware, the NTSB found that the failure of the FAA to require a medical certificate for commercial balloon pilots contributed to the 2016 Lockhart hot-air balloon crash. NTSB Chairman Robert Sumwalt went so far as to say that FAA was, "shirking its responsibility."

Despite already having the authority to act, FAA continued to delay despite the risk to further innocent lives. With strong bipartisan support, Congress included my amendment that required second class medical certificates for commercial balloon pilots in the 2018 FAA Reauthorization.

In the months that have passed, I expected FAA to follow the law and require second class medical certificates for commercial balloon pilots. This is not a burdensome requirement and one that FAA could have acted on its own before my provision was signed into law. Why has rulemaking not been initiated? When will rulemaking be initiated? Continued inaction by FAA risks condemning yet more unsuspecting families to death.

I look forward to your immediate response regarding implementation of this long-overdue improvement to hot air balloon safety.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd Doggett". The signature is stylized with a large "L" and a long horizontal stroke at the end.

Lloyd Doggett